

AMENDED IN ASSEMBLY SEPTEMBER 12, 2013

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

**SENATE BILL**

**No. 743**

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**Introduced by Senator Steinberg**

**(Coauthors: Senators Gaines, Galgiani, Nielsen, and Wolk)**

(Coauthors: Assembly Members Cooley, Dickinson, Logue, and Pan)

February 22, 2013

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An act to amend Sections 65088.1 and 65088.4 of the Government Code, and to amend Sections 21181, 21183, 21186, 21187, 21189.1, and 21189.3 of, to add Section 21155.4 to, to add Chapter 2.7 (commencing with Section 21099) to Division 13 of, to add and repeal Section 21168.6.6 of, and to repeal and add Section 21185 of, ~~and to add and repeal Section 21168.6.6 of,~~ the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 743, as amended, Steinberg. Environmental quality: *transit oriented infill projects*, judicial review streamlining for environmental leadership development ~~projects projects~~, and entertainment and sports center in the City of Sacramento.

(1) The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 requires a party bringing an action or proceeding alleging that a lead agency's approval of a project certified by the Governor as an environmental leadership development project is in violation of the California Environmental Quality Act to file the action or proceeding with the Court of Appeal with geographic jurisdiction over the project and requires the Court of Appeal to issue its decision within 175 days of the filing of the petition. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 requires

the lead agency to concurrently prepare the record of proceeding for the leadership project with the review and consideration of the project. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 provides that the above provision does not apply to a project for which a lead agency fails to certify an environmental impact report on or before June 1, 2014. The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 is repealed by its own terms on January 1, 2015.

This bill would instead require the Judicial Council, on or before July 1, 2014, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency's action in certifying the environmental impact report and in granting project approval that requires the actions or proceedings, including any appeals therefrom, be resolved, ~~to the extent feasible,~~ within 270 days of the certification of the record of proceedings. The bill would extend the operation of the judicial review procedures unless the lead agency fails to certify an environmental impact report for an environmental leadership project on or before January 1, 2016. The bill would provide that the above provisions do not apply to a project if the Governor does not certify the project as an environmental leadership development project prior to January 1, 2016. Because this bill would extend the time period for which a lead agency would be required to concurrently prepare the record of proceeding with the review and consideration of the environmental leadership development projects, this bill would impose a state-mandated local program. The bill would require the lead agency, within 10 days of the Governor's certification, to issue, at the applicant's expense, a specified public notice, thereby imposing a state-mandated local program. The bill would repeal the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 on January 1, 2017.

(2) The California Environmental Quality Act, commonly known as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on

the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA.

*This bill would provide that aesthetic and parking impacts of a residential, mixed-use residential, or employment center project, as defined, on an infill site, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment. The bill would require the Office of Planning and Research to prepare and submit to the Secretary of the Natural Resources Agency, and the secretary to certify and adopt, revisions to the guidelines for the implementation of CEQA establishing thresholds of significance for noise and transportation impacts of projects within transit priority areas.*

This bill would require the public agency, in certifying the environmental impact report and in granting approvals for a specified entertainment and sports center project located in the City of Sacramento, including the concurrent preparation of the record of proceedings and the certification of the record of proceeding within 5 days of the filing of a specified notice, to comply with specified procedures. Because a public agency would be required to comply with those new procedures, this bill would impose a state-mandated local program. The bill would require the Judicial Council, on or before July 1, 2014, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency's action in certifying the environmental impact report and in granting project approval that requires the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings. The bill would provide that the above provisions are inoperative and repealed on January 1 of the following year if the applicant fails to notify the lead agency before the release of the draft environmental impact report for public comment that the applicant is electing to proceed pursuant to the above provisions.

*(3) Existing law requires the development, adoption, and updating of a congestion management program for each county that includes an urbanized area, as defined. The plan is required to contain specified elements and to be submitted to regional agencies, as defined, for determination of whether the program is consistent with regional transportation plans. The regional agency is then directed to monitor the implementation of all elements of each congestion management program. The required elements include traffic level of service standards*

*for a system of designated highways and roadways. Existing law defines “infill opportunity zone” for purposes of the above-described provisions and exempts streets and highways in an infill opportunity zone from the level of service standards specified in the above-described provisions and instead requires alternate level of service standards to be applied. Existing law prohibits a city or county from designating an infill opportunity zone after December 31, 2009.*

*This bill would revise the definition of “infill opportunity zone,” as specified. The bill would authorize the designation of an infill opportunity zone that is a transit priority area within a sustainable communities strategy or alternative planning strategy adopted by an applicable metropolitan planning organization.*

*(4) Existing law terminates the designation of an infill opportunity zone if no development project is completed within that zone within 4 years from the date of the designation.*

*This bill would repeal this provision.*

*This bill would make findings and declarations as to the necessity of a special statute for the City of Sacramento.*

*(3)*

*(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.*

*The people of the State of California do enact as follows:*

1    *SECTION 1. (a) The Legislature finds and declares the*  
 2    *following:*  
 3    *(1) With the adoption of Chapter 728 of the Statutes of 2008,*  
 4    *popularly known as the Sustainable Communities and Climate*  
 5    *Protection Act of 2008, the Legislature signaled its commitment*  
 6    *to encouraging land use and transportation planning decisions*  
 7    *and investments that reduce vehicle miles traveled and contribute*  
 8    *to the reductions in greenhouse gas emissions required in the*  
 9    *California Global Warming Solutions Act of 2006 (Division 25.5*  
 10    *(commencing with Section 38500) of the Health and Safety Code).*  
 11    *Similarly, the California Complete Streets Act of 2008 (Chapter*

1 657 of the Statutes of 2008) requires local governments to plan  
2 for a balanced, multimodal transportation network that meets the  
3 needs of all users of streets, roads, and highways for safe and  
4 convenient travel.

5 (2) Transportation analyses under the California Environmental  
6 Quality Act (Division 13 (commencing with Section 21000) of the  
7 Public Resources Code) typically study changes in automobile  
8 delay. New methodologies under the California Environmental  
9 Quality Act are needed for evaluating transportation impacts that  
10 are better able to promote the state's goals of reducing greenhouse  
11 gas emissions and traffic-related air pollution, promoting the  
12 development of a multimodal transportation system, and providing  
13 clean, efficient access to destinations.

14 (b) It is the intent of the Legislature to do both of the following:

15 (1) Ensure that the environmental impacts of traffic, such as  
16 noise, air pollution, and safety concerns, continue to be properly  
17 addressed and mitigated through the California Environmental  
18 Quality Act.

19 (2) More appropriately balance the needs of congestion  
20 management with statewide goals related to infill development,  
21 promotion of public health through active transportation, and  
22 reduction of greenhouse gas emissions.

23 **SECTION 1.**

24 **SEC. 2.** The Legislature further finds and declares all of the  
25 following:

26 (a) The Federal Reserve has stated that “[m]ost policymakers  
27 estimate the longer-run normal rate of unemployment is between  
28 5.2 and 6 percent.” At 7.6 percent, the current United States  
29 unemployment rate remains markedly higher than the normal rate  
30 and both the unemployment rates in Sacramento County and  
31 California are higher than the current national unemployment rate.

32 (b) The California Environmental Quality Act (Division 13  
33 (commencing with Section 21000) of the Public Resources Code)  
34 requires that the environmental impacts of development projects  
35 be identified and mitigated. The act also guarantees the public an  
36 opportunity to review and comment on the environmental impacts  
37 of a project and to participate meaningfully in the development of  
38 mitigation measures for potentially significant environmental  
39 impacts.

(c) The existing home of the City of Sacramento's National Basketball Association (NBA) team, the Sleep Train Arena, is an old and outmoded facility located outside of the City of Sacramento's downtown area and is not serviced by the region's existing heavy and light rail transportation networks. It was constructed 25 years ago and a new, more efficient entertainment and sports center located in downtown Sacramento is needed to meet the city's and region's needs.

(d) The City of Sacramento and the region would greatly benefit from the addition of a multipurpose event center capable of hosting a wide range of events including exhibitions, conventions, sporting events, as well as musical, artistic, and cultural events in downtown Sacramento.

(e) The proposed entertainment and sports center project is a public-private partnership between the City of Sacramento and the applicant that will result in the construction of a new state-of-the-art multipurpose event center, and surrounding infill development in downtown Sacramento as described in the notice of preparation released by the City of Sacramento on April 12, 2013.

(f) The project will generate over 4,000 full-time jobs including employees hired both during construction and operation of the entertainment and sports center project. This employment estimate does not include the substantial job generation that will occur with the surrounding development uses, which will generate additional hospitality, office, restaurant, and retail jobs in Sacramento's downtown area.

(g) The project also presents an unprecedented opportunity to implement innovative measures that will significantly reduce traffic and air quality impacts and mitigate the greenhouse gas emissions resulting from the project. The project site is located in downtown Sacramento near heavy and light rail transit facilities, situated to maximize opportunities to encourage nonautomobile modes of travel to the entertainment and sports center project, and is consistent with the policies and regional vision included in the Sustainable Communities Strategy adopted pursuant to Chapter 728 of the Statutes of 2008 by the Sacramento Area Council of Governments in April of 2012. The project is also located within close proximity to three major infill development areas including projects (The Bridge District, Railyards, and Township Nine) that

1 received infill infrastructure grants from the state pursuant to  
2 Proposition 1C.

3 (h) It is in the interest of the state to expedite judicial review of  
4 the entertainment and sports center project, as appropriate, while  
5 protecting the environment and the right of the public to review,  
6 comment on, and, if necessary, seek judicial review of, the  
7 adequacy of the environmental impact report for the project.

8 *SEC. 3. Section 65088.1 of the Government Code is amended*  
9 *to read:*

10 65088.1. As used in this chapter the following terms have the  
11 following meanings:

12 ~~(a) Unless the context requires otherwise, “regional agency”~~  
13 ~~means the agency responsible for preparation of the regional~~  
14 ~~transportation improvement program.~~

15 ~~(b)~~

16 (a) Unless the context requires otherwise, “agency” means the  
17 agency responsible for the preparation and adoption of the  
18 congestion management program.

19 (b) *“Bus rapid transit corridor” means a bus service that*  
20 *includes at least four of the following attributes:*

21 (1) *Coordination with land use planning.*

22 (2) *Exclusive right-of-way.*

23 (3) *Improved passenger boarding facilities.*

24 (4) *Limited stops.*

25 (5) *Passenger boarding at the same height as the bus.*

26 (6) *Prepaid fares.*

27 (7) *Real-time passenger information.*

28 (8) *Traffic priority at intersections.*

29 (9) *Signal priority.*

30 (10) *Unique vehicles.*

31 (c) “Commission” means the California Transportation  
32 Commission.

33 (d) “Department” means the Department of Transportation.

34 ~~(e) “Local jurisdiction” means a city, a county, or a city and~~  
35 ~~county.~~

36 ~~(f) “Parking cash-out program” means an employer-funded~~  
37 ~~program under which an employer offers to provide a cash~~  
38 ~~allowance to an employee equivalent to the parking subsidy that~~  
39 ~~the employer would otherwise pay to provide the employee with~~  
40 ~~a parking space. “Parking subsidy” means the difference between~~

1 the out-of-pocket amount paid by an employer on a regular basis  
2 in order to secure the availability of an employee parking space  
3 not owned by the employer and the price, if any, charged to an  
4 employee for use of that space.

5 A parking cash-out program may include a requirement that  
6 employee participants certify that they will comply with guidelines  
7 established by the employer designed to avoid neighborhood  
8 parking problems, with a provision that employees not complying  
9 with the guidelines will no longer be eligible for the parking  
10 cash-out program.

11 (g)  
12 (e) “Infill opportunity zone” means a specific area designated  
13 by a city or county, pursuant to subdivision (c) of Section 65088.4,  
14 zoned for new compact residential or mixed use development  
15 within one-third mile of a site with an existing or future rail transit  
16 station, a ferry terminal served by either a bus or rail transit service,  
17 an intersection of at least two major bus routes, or within 300 feet  
18 of a bus rapid transit corridor, in counties with a population over  
19 400,000. The mixed use development zoning shall consist of three  
20 or more land uses that facilitate significant human interaction in  
21 close proximity, with residential use as the primary land use  
22 supported by other land uses such as office, hotel, health care,  
23 hospital, entertainment, restaurant, retail, and service uses. The  
24 transit service shall have maximum scheduled headways of 15  
25 minutes for at least 5 hours per day. A qualifying future rail station  
26 shall have broken ground on construction of the station and  
27 programmed operational funds to provide maximum scheduled  
28 headways of 15 minutes for at least 5 hours per day. *that is within*  
29 *one-half mile of a major transit stop or high-quality transit corridor*  
30 *included in a regional transportation plan. A major transit stop*  
31 *is as defined in Section 21064.3 of the Public Resources Code,*  
32 *except that, for purposes of this section, it also includes major*  
33 *transit stops that are included in the applicable regional*  
34 *transportation plan. For purposes of this section, a high-quality*  
35 *transit corridor means a corridor with fixed route bus service with*  
36 *service intervals no longer than 15 minutes during peak commute*  
37 *hours.*

38 (h)  
39 (f) “Interregional travel” means any trips that originate outside  
40 the boundary of the agency. A “trip” means a one-direction vehicle



1 movement. The origin of any trip is the starting point of that trip.  
2 A roundtrip consists of two individual trips.

3 (i)

4 (g) “Level of service standard” is a threshold that defines a  
5 deficiency on the congestion management program highway and  
6 roadway system which requires the preparation of a deficiency  
7 plan. It is the intent of the Legislature that the agency shall use all  
8 elements of the program to implement strategies and actions that  
9 avoid the creation of deficiencies and to improve multimodal  
10 mobility.

11 (h) *“Local jurisdiction” means a city, a county, or a city and*  
12 *county.*

13 (j)

14 (i) “Multimodal” means the utilization of all available modes  
15 of travel that enhance the movement of people and goods,  
16 including, but not limited to, highway, transit, nonmotorized, and  
17 demand management strategies including, but not limited to,  
18 telecommuting. The availability and practicality of specific  
19 multimodal systems, projects, and strategies may vary by county  
20 and region in accordance with the size and complexity of different  
21 urbanized areas.

22 (j) (1) *“Parking cash-out program” means an employer-funded*  
23 *program under which an employer offers to provide a cash*  
24 *allowance to an employee equivalent to the parking subsidy that*  
25 *the employer would otherwise pay to provide the employee with*  
26 *a parking space. “Parking subsidy” means the difference between*  
27 *the out-of-pocket amount paid by an employer on a regular basis*  
28 *in order to secure the availability of an employee parking space*  
29 *not owned by the employer and the price, if any, charged to an*  
30 *employee for use of that space.*

31 (2) *A parking cash-out program may include a requirement that*  
32 *employee participants certify that they will comply with guidelines*  
33 *established by the employer designed to avoid neighborhood*  
34 *parking problems, with a provision that employees not complying*  
35 *with the guidelines will no longer be eligible for the parking*  
36 *cash-out program.*

37 (k) “Performance measure” is an analytical planning tool that  
38 is used to quantitatively evaluate transportation improvements and  
39 to assist in determining effective implementation actions,  
40 considering all modes and strategies. Use of a performance measure

1 as part of the program does not trigger the requirement for the  
2 preparation of deficiency plans.

3 (l) “Urbanized area” has the same meaning as is defined in the  
4 1990 federal census for urbanized areas of more than 50,000  
5 population.

6 ~~(m) “Bus rapid transit corridor” means a bus service that~~  
7 ~~includes at least four of the following attributes:~~

8 ~~(1) Coordination with land use planning.~~

9 ~~(2) Exclusive right-of-way.~~

10 ~~(3) Improved passenger boarding facilities.~~

11 ~~(4) Limited stops.~~

12 ~~(5) Passenger boarding at the same height as the bus.~~

13 ~~(6) Prepaid fares.~~

14 ~~(7) Real-time passenger information.~~

15 ~~(8) Traffic priority at intersections.~~

16 ~~(9) Signal priority.~~

17 ~~(10) Unique vehicles.~~

18 *(m) Unless the context requires otherwise, “regional agency”*  
19 *means the agency responsible for preparation of the regional*  
20 *transportation improvement program.*

21 *SEC. 4. Section 65088.4 of the Government Code is amended*  
22 *to read:*

23 65088.4. (a) It is the intent of the Legislature to balance the  
24 need for level of service standards for traffic with the need to build  
25 infill housing and mixed use commercial developments within  
26 walking distance of mass transit facilities, downtowns, and town  
27 centers and to provide greater flexibility to local governments to  
28 balance these sometimes competing needs.

29 (b) Notwithstanding any other provision of law, level of service  
30 standards described in Section 65089 shall not apply to the streets  
31 and highways within an infill opportunity zone. ~~The city or county~~  
32 ~~shall do either of the following:~~

33 ~~(1) Include these streets and highways under an alternative~~  
34 ~~areawide level of service standard or multimodal composite or~~  
35 ~~personal level of service standard that takes into account both of~~  
36 ~~the following:~~

37 ~~(A) The broader benefits of regional traffic congestion reduction~~  
38 ~~by siting new residential development within walking distance of,~~  
39 ~~and no more than one-third mile from, mass transit stations, shops,~~

1 and services, in a manner that reduces the need for long vehicle  
2 commutes and improves the jobs-housing balance.

3 ~~(B) Increased use of alternative transportation modes, such as~~  
4 ~~mass transit, bicycling, and walking.~~

5 ~~(2) Approve a list of flexible level of service mitigation options~~  
6 ~~that includes roadway expansion and investments in alternate~~  
7 ~~modes of transportation that may include, but are not limited to,~~  
8 ~~transit infrastructure, pedestrian infrastructure, and ridesharing,~~  
9 ~~vanpool, or shuttle programs.~~

10 (c) The city or county may designate an infill opportunity zone  
11 by adopting a resolution after determining that the infill opportunity  
12 zone is consistent with the general plan and any applicable specific  
13 plan. ~~A city or county may not designate an infill opportunity zone~~  
14 ~~after December 31, 2009: plan, and is a transit priority area within~~  
15 ~~a sustainable communities strategy or alternative planning strategy~~  
16 ~~adopted by the applicable metropolitan planning organization.~~

17 ~~(d) The city or county in which the infill opportunity zone is~~  
18 ~~located shall ensure that a development project shall be completed~~  
19 ~~within the infill opportunity zone not more than four years after~~  
20 ~~the date on which the city or county adopted its resolution pursuant~~  
21 ~~to subdivision (c). If no development project is completed within~~  
22 ~~an infill opportunity zone by the time limit imposed by this~~  
23 ~~subdivision, the infill opportunity zone shall automatically~~  
24 ~~terminate.~~

25 *SEC. 5. Chapter 2.7 (commencing with Section 21099) is added*  
26 *to Division 13 of the Public Resources Code, to read:*

27  
28 *CHAPTER 2.7. MODERNIZATION OF TRANSPORTATION ANALYSIS*  
29 *FOR TRANSIT-ORIENTED INFILL PROJECTS*  
30

31 *21099. (a) For purposes of this section, the following terms*  
32 *mean the following:*

33 *(1) "Employment center project" means a project located on*  
34 *property zoned for commercial uses with a floor area ratio of no*  
35 *less than 0.75 and that is located within a transit priority area.*

36 *(2) "Floor area ratio" means the ratio of gross building area*  
37 *of the development, excluding structured parking areas, proposed*  
38 *for the project divided by the net lot area.*

1     (3) “Gross building area” means the sum of all finished areas  
2 of all floors of a building included within the outside faces of its  
3 exterior walls.

4     (4) “Infill site” means a lot located within an urban area that  
5 has been previously developed, or on a vacant site where at least  
6 75 percent of the perimeter of the site adjoins, or is separated only  
7 by an improved public right-of-way from, parcels that are  
8 developed with qualified urban uses.

9     (5) “Lot” means all parcels utilized by the project.

10    (6) “Net lot area” means the area of a lot, excluding publicly  
11 dedicated land and private streets that meet local standards, and  
12 other public use areas as determined by the local land use  
13 authority.

14    (7) “Transit priority area” means an area within one-half mile  
15 of a major transit stop that is existing or planned, if the planned  
16 stop is scheduled to be completed within the planning horizon  
17 included in a Transportation Improvement Program adopted  
18 pursuant to Section 450.216 or 450.322 of Title 23 of the Code of  
19 Federal Regulations.

20    (b) (1) The Office of Planning and Research shall prepare,  
21 develop, and transmit to the Secretary of the Natural Resources  
22 Agency for certification and adoption proposed revisions to the  
23 guidelines adopted pursuant to Section 21083 establishing criteria  
24 for determining the significance of transportation impacts of  
25 projects within transit priority areas. Those criteria shall promote  
26 the reduction of greenhouse gas emissions, the development of  
27 multimodal transportation networks, and a diversity of land uses.  
28 In developing the criteria, the office shall recommend potential  
29 metrics to measure transportation impacts that may include, but  
30 are not limited to, vehicle miles traveled, vehicle miles traveled  
31 per capita, automobile trip generation rates, or automobile trips  
32 generated. The office may also establish criteria for models used  
33 to analyze transportation impacts to ensure the models are  
34 accurate, reliable, and consistent with the intent of this section.

35    (2) Upon certification of the guidelines by the Secretary of the  
36 Natural Resources Agency pursuant to this section, automobile  
37 delay, as described solely by level of service or similar measures  
38 of vehicular capacity or traffic congestion shall not be considered  
39 a significant impact on the environment pursuant to this division,  
40 except in locations specifically identified in the guidelines, if any.

1     (3) *This subdivision does not relieve a public agency of the*  
2 *requirement to analyze a project's potentially significant*  
3 *transportation impacts related to air quality, noise, safety, or any*  
4 *other impact associated with transportation. The methodology*  
5 *established by these guidelines shall not create a presumption that*  
6 *a project will not result in significant impacts related to air quality,*  
7 *noise, safety, or any other impact associated with transportation.*  
8 *Notwithstanding the foregoing, the adequacy of parking for a*  
9 *project shall not support a finding of significance pursuant to this*  
10 *section.*

11     (4) *This subdivision does not preclude the application of local*  
12 *general plan policies, zoning codes, conditions of approval,*  
13 *thresholds, or any other planning requirements pursuant to the*  
14 *police power or any other authority.*

15     (5) *On or before July 1, 2014, the Office of Planning and*  
16 *Research shall circulate a draft revision prepared pursuant to*  
17 *paragraph (1).*

18     (c) (1) *The Office of Planning and Research may adopt*  
19 *guidelines pursuant to Section 21083 establishing alternative*  
20 *metrics to the metrics used for traffic levels of service for*  
21 *transportation impacts outside transit priority areas. The*  
22 *alternative metrics may include the retention of traffic levels of*  
23 *service, where appropriate and as determined by the office.*

24     (2) *This subdivision shall not affect the standard of review that*  
25 *would apply to the new guidelines adopted pursuant to this section.*

26     (d) (1) *Aesthetic and parking impacts of a residential, mixed-use*  
27 *residential, or employment center project on an infill site within*  
28 *a transit priority area shall not be considered significant impacts*  
29 *on the environment.*

30     (2) (A) *This subdivision does not affect, change, or modify the*  
31 *authority of a lead agency to consider aesthetic impacts pursuant*  
32 *to local design review ordinances or other discretionary powers*  
33 *provided by other laws or policies.*

34     (B) *For the purposes of this subdivision, aesthetic impacts do*  
35 *not include impacts on historical or cultural resources.*

36     (e) *This section does not affect the authority of a public agency*  
37 *to establish or adopt thresholds of significance that are more*  
38 *protective of the environment.*

39     SEC. 6. *Section 21155.4 is added to the Public Resources Code,*  
40 *to read:*

21155.4. (a) Except as provided in subdivision (b), a residential, employment center, as defined in paragraph (1) of subdivision (a) of Section 21099, or mixed-use development project, including any subdivision, or any zoning, change that meets all of the following criteria is exempt from the requirements of this division:

(1) The project is proposed within a transit priority area, as defined in subdivision (a) of Section 21099.

(2) The project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified.

(3) The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emissions reduction targets.

(b) Further environmental review shall be conducted only if any of the events specified in Section 21166 have occurred.

~~SEC. 2.~~

SEC. 7. Section 21168.6.6 is added to the Public Resources Code, to read:

21168.6.6. (a) For the purposes of this section, the following definitions shall have the following meanings:

(1) "Applicant" means a private entity or its affiliates that proposes the project and its successors, heirs, and assignees.

(2) "City" means the City of Sacramento.

~~(3) "Downtown arena" means an arena that is constructed to meet the standards required for Leadership in Energy and Environmental Design (LEED) silver certification or better by the United States Green Building Council, associated public spaces, and facility and infrastructure for ingress, egress, and use of the arena facility from demolition and site preparation through operation proposed as part of the entertainment and sports center project that will become the new home to the City of Sacramento's National Basketball Association (NBA) team.~~

1     (3) “Downtown arena” means the following components of the  
2     entertainment and sports center project from demolition and site  
3     preparation through operation:

4     (A) An arena facility that will become the new home to the City  
5     of Sacramento’s National Basketball Association (NBA) team that  
6     does both of the following:

7     (i) Receives Leadership in Energy and Environmental Design  
8     (LEED) gold certification for new construction within one year of  
9     completion of the first NBA season.

10    (ii) Minimizes operational traffic congestion and air quality  
11    impacts through either or both project design and the  
12    implementation of feasible mitigation measures that will do all of  
13    the following:

14    (I) Achieve and maintain carbon neutrality or better by reducing  
15    to at least zero the net emissions of greenhouse gases, as defined  
16    in subdivision (g) of Section 38505 of the Health and Safety Code,  
17    from private automobile trips to the downtown arena as compared  
18    to the baseline as verified by the Sacramento Metropolitan Air  
19    Quality Management District.

20    (II) Achieve a per attendee reduction in greenhouse gas  
21    emissions from automobiles and light trucks compared to per  
22    attendee greenhouse gas emissions associated with the existing  
23    arena during the 2012–13 NBA season that will exceed the carbon  
24    reduction targets for 2020 and 2035 achieved in the sustainable  
25    communities strategy prepared by the Sacramento Area Council  
26    of Governments for the Sacramento region pursuant to Chapter  
27    728 of the Statutes of 2008.

28    (III) Achieve and maintain vehicle-miles-traveled per attendee  
29    for NBA events at the downtown arena that is no more than 85  
30    percent of the baseline.

31    (B) Associated public spaces.

32    (C) Facilities and infrastructure for ingress, egress, and use of  
33    the arena facility. )

34    (4) “Entertainment and sports center project” or “project” means  
35    a project that substantially conforms to the project description for  
36    the entertainment and sports center project set forth in the notice  
37    of preparation released by the City of Sacramento on April 12,  
38    2013.

39    (b) (I) The city may prosecute an eminent domain—~~action~~  
40    ~~associated with the downtown arena~~ action for 545 and 600 K

1 *Street, Sacramento, California, and surrounding publicly*  
2 *accessible areas and rights-of-way within 200 feet of 600 K Street,*  
3 *Sacramento, California, through order of possession pursuant to*  
4 *the Eminent Domain Law (Title 7 (commencing with Section*  
5 *1230.010) of Part 3 of the Code of Civil Procedure) prior to*  
6 ~~*certification of the environmental impact report on the project*~~  
7 *completing the environmental review under this division.*

8 *(2) Paragraph (1) shall not apply to any other eminent domain*  
9 *actions prosecuted by the City of Sacramento or to eminent domain*  
10 *actions based on a finding of blight.*

11 (c) Notwithstanding any other law, the procedures established  
12 pursuant to subdivision (d) shall apply to an action or proceeding  
13 brought to attack, review, set aside, void, or annul the certification  
14 of the environmental impact report for the project or the granting  
15 of any project approvals.

16 (d) On or before July 1, 2014, the Judicial Council shall adopt  
17 a rule of court to establish procedures applicable to actions or  
18 proceedings brought to attack, review, set aside, void, or annul the  
19 certification of the environmental impact report for the project or  
20 the granting of any project approvals that require the actions or  
21 proceedings, including any potential appeals therefrom, be  
22 resolved, to the extent feasible, within 270 days of certification of  
23 the record of proceedings pursuant to subdivision (f).

24 (e) (1) The draft and final environmental impact report shall  
25 include a notice in not less than 12-point type stating the following:  
26

27 THIS EIR IS SUBJECT TO SECTION 21168.6.6 OF THE  
28 PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG  
29 OTHER THINGS, THAT THE LEAD AGENCY NEED NOT  
30 CONSIDER CERTAIN COMMENTS FILED AFTER THE  
31 CLOSE OF THE PUBLIC COMMENT PERIOD FOR THE  
32 DRAFT EIR. ANY JUDICIAL ACTION CHALLENGING THE  
33 CERTIFICATION OF THE EIR OR THE APPROVAL OF THE  
34 PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE  
35 PROCEDURES SET FORTH IN SECTION 21168.6.6 OF THE  
36 PUBLIC RESOURCES CODE. A COPY OF SECTION 21168.6.6  
37 OF THE PUBLIC RESOURCES CODE IS INCLUDED IN THE  
38 APPENDIX TO THIS EIR.  
39



1 (2) The draft environmental impact report and final  
2 environmental impact report shall contain, as an appendix, the full  
3 text of this section.

4 (3) Within 10 days after the release of the draft environmental  
5 impact report, the lead agency shall conduct an informational  
6 workshop to inform the public of the key analyses and conclusions  
7 of that report.

8 (4) Within 10 days before the close of the public comment  
9 period, the lead agency shall hold a public hearing to receive  
10 testimony on the draft environmental impact report. A transcript  
11 of the hearing shall be included as an appendix to the final  
12 environmental impact report.

13 (5) (A) Within five days following the close of the public  
14 comment period, a commenter on the draft environmental impact  
15 report may submit to the lead agency a written request for  
16 nonbinding mediation. The lead agency and applicant shall  
17 participate in nonbinding mediation with all commenters who  
18 submitted timely comments on the draft environmental impact  
19 report and who requested the mediation. Mediation conducted  
20 pursuant to this paragraph shall end no later than 35 days after the  
21 close of the public comment period.

22 (B) A request for mediation shall identify all areas of dispute  
23 raised in the comment submitted by the commenter that are to be  
24 mediated.

25 (C) The lead agency shall select one or more mediators who  
26 shall be retired judges or recognized experts with at least five years  
27 experience in land use and environmental law or science, or  
28 mediation. The applicant shall bear the costs of mediation.

29 (D) A mediation session shall be conducted on each area of  
30 dispute with the parties requesting mediation on that area of  
31 dispute.

32 (E) The lead agency shall adopt, as a condition of approval, any  
33 measures agreed upon by the lead agency, the applicant, and any  
34 commenter who requested mediation. A commenter who agrees  
35 to a measure pursuant to this subparagraph shall not raise the issue  
36 addressed by that measure as a basis for an action or proceeding  
37 challenging the lead agency's decision to certify the environmental  
38 impact report or to grant one or more initial project approvals.

1 (6) The lead agency need not consider written comments  
2 submitted after the close of the public comment period, unless  
3 those comments address any of the following:

4 (A) New issues raised in the response to comments by the lead  
5 agency.

6 (B) New information released by the public agency subsequent  
7 to the release of the draft environmental impact report, such as  
8 new information set forth or embodied in a staff report, proposed  
9 permit, proposed resolution, ordinance, or similar documents.

10 (C) Changes made to the project after the close of the public  
11 comment period.

12 (D) Proposed conditions for approval, mitigation measures, or  
13 proposed findings required by Section 21081 or a proposed  
14 reporting and monitoring program required by paragraph (1) of  
15 subdivision (a) of Section 21081.6, where the lead agency releases  
16 those documents subsequent to the release of the draft  
17 environmental impact report.

18 (E) New information that was not reasonably known and could  
19 not have been reasonably known during the public comment period.

20 (7) The lead agency shall file the notice required by subdivision  
21 (a) of Section 21152 within five days after the last initial project  
22 approval.

23 (f) (1) The lead agency shall prepare and certify the record of  
24 the proceedings in accordance with this subdivision and in  
25 accordance with Rule 3.1365 of the California Rules of Court. The  
26 applicant shall pay the lead agency for all costs of preparing and  
27 certifying the record of proceedings.

28 (2) No later than three business days following the date of the  
29 release of the draft environmental impact report, the lead agency  
30 shall make available to the public in a readily accessible electronic  
31 format the draft environmental impact report and all other  
32 documents submitted to or relied on by the lead agency in the  
33 preparation of the draft environmental impact report. A document  
34 prepared by the lead agency or submitted by the applicant after  
35 the date of the release of the draft environmental impact report  
36 that is a part of the record of the proceedings shall be made  
37 available to the public in a readily accessible electronic format  
38 within five business days after the document is prepared or received  
39 by the lead agency.

1 (3) Notwithstanding paragraph (2), documents submitted to or  
2 relied on by the lead agency that were not prepared specifically  
3 for the project and are copyright protected are not required to be  
4 made readily accessible in an electronic format. For those copyright  
5 protected documents, the lead agency shall make an index of these  
6 documents available in an electronic format no later than the date  
7 of the release of the draft environmental impact report, or within  
8 five business days if the document is received or relied on by the  
9 lead agency after the release of the draft environmental impact  
10 report. The index must specify the libraries or lead agency offices  
11 in which hardcopies of the copyrighted materials are available for  
12 public review.

13 (4) The lead agency shall encourage written comments on the  
14 project to be submitted in a readily accessible electronic format,  
15 and shall make any such comment available to the public in a  
16 readily accessible electronic format within five days of its receipt.

17 (5) Within seven business days after the receipt of any comment  
18 that is not in an electronic format, the lead agency shall convert  
19 that comment into a readily accessible electronic format and make  
20 it available to the public in that format.

21 (6) The lead agency shall indicate in the record of the  
22 proceedings comments received that were not considered by the  
23 lead agency pursuant to paragraph (6) of subdivision (e) and need  
24 not include the content of the comments as a part of the record.

25 (7) Within five days after the filing of the notice required by  
26 subdivision (a) of Section 21152, the lead agency shall certify the  
27 record of the proceedings for the approval or determination and  
28 shall provide an electronic copy of the record to a party that has  
29 submitted a written request for a copy. The lead agency may charge  
30 and collect a reasonable fee from a party requesting a copy of the  
31 record for the electronic copy, which shall not exceed the  
32 reasonable cost of reproducing that copy.

33 (8) Within 10 days after being served with a complaint or a  
34 petition for a writ of mandate, the lead agency shall lodge a copy  
35 of the certified record of proceedings with the superior court.

36 (9) Any dispute over the content of the record of the proceedings  
37 shall be resolved by the superior court. Unless the superior court  
38 directs otherwise, a party disputing the content of the record shall  
39 file a motion to augment the record at the time it files its initial  
40 brief.

(10) The contents of the record of proceedings shall be as set forth in subdivision (e) of Section 21167.6.

~~(g) As a condition of approval of the project subject to this section, the lead agency shall require the applicant, with respect to any measures specific to the operation of the project, to implement those measures that will meet the requirements of this division by the end of the first NBA season during which an NBA team has played at the downtown arena. To maximize public health, environmental, and employment benefits, the lead agency shall place the highest priority on feasible measures that will reduce greenhouse gas emissions on the downtown arena site and in the neighboring communities of the downtown arena. Offset credits shall be employed by the applicant only after feasible local emission reduction measures have been implemented. The applicant shall, to the extent feasible, place the highest priority on the purchase of offset credits that produce emission reductions within the city or the boundaries of the Sacramento Metropolitan Air Quality Management District.~~

*(g) (1) As a condition of approval of the project subject to this section, the lead agency shall require the applicant, with respect to any measures specific to the operation of the downtown arena, to implement those measures that will meet the requirements of this division by the end of the first NBA regular season or June of the first NBA regular season, whichever is later, during which an NBA team has played at the downtown arena.*

*(2) To maximize public health, environmental, and employment benefits, the lead agency shall place the highest priority on feasible measures that will reduce greenhouse gas emissions on the downtown arena site and in the neighboring communities of the downtown arena. Mitigation measures that shall be considered and implemented, if feasible and necessary, to achieve the standards set forth in subclauses (I) to (III), inclusive, of clause (ii) of subparagraph (A) of paragraph (3) of subdivision (a), including, but not limited to:*

*(A) Temporarily expanding the capacity of a public transit line, as needed, to serve downtown arena events.*

*(B) Providing private charter buses or other similar services, as needed, to serve downtown arena events.*

1     (C) *Paying its fair share of the cost of measures that expand*  
2 *the capacity of a public fixed or light rail station that is used by*  
3 *spectators attending downtown arena events.*

4     (3) *Offset credits shall be employed by the applicant only after*  
5 *feasible local emission reduction measures have been implemented.*  
6 *The applicant shall, to the extent feasible, place the highest priority*  
7 *on the purchase of offset credits that produce emission reductions*  
8 *within the city or the boundaries of the Sacramento Metropolitan*  
9 *Air Quality Management District.*

10    (h) (1) (A) In granting relief in an action or proceeding brought  
11 pursuant to this section, the court shall not stay or enjoin the  
12 construction or operation of the downtown arena unless the court  
13 finds either of the following:

14    (i) The continued construction or operation of the downtown  
15 arena presents an imminent threat to the public health and safety.

16    (ii) The downtown arena site contains unforeseen important  
17 Native American artifacts or unforeseen important historical,  
18 archaeological, or ecological values that would be materially,  
19 permanently, and adversely affected by the continued construction  
20 or operation of the downtown arena unless the court stays or  
21 enjoins the construction or operation of the downtown arena.

22    (B) If the court finds that clause (i) or (ii) is satisfied, the court  
23 shall only enjoin those specific activities associated with the  
24 downtown arena that present an imminent threat to public health  
25 and safety or that materially, permanently, and adversely affect  
26 unforeseen important Native American artifacts or unforeseen  
27 important historical, archaeological, or ecological values.

28    ~~(2) In granting relief associated with the downtown arena in an~~  
29 ~~action or proceeding brought pursuant to this section, the court~~  
30 ~~shall enter an order mandating that the public agency conduct~~  
31 ~~further environmental review, including consideration of additional~~  
32 ~~feasible mitigation measures where available and necessary to~~  
33 ~~bring the determination, finding, or decision into compliance with~~  
34 ~~this division.~~

35    ~~(3) Paragraphs (1) and (2) set forth the sole remedies available~~  
36 ~~in an action or proceeding brought pursuant to this section~~  
37 ~~challenging the downtown arena and no provision of law that is~~  
38 ~~inconsistent or conflicts with this subdivision shall apply to an~~  
39 ~~action or proceeding subject to this section.~~

(2) *An action or proceeding to attack, set aside, void, or annul a determination, finding, or decision of the lead agency granting a subsequent project approval shall be subject to the requirements of Chapter 6 (commencing with Section 21165).*

~~(4)~~

(3) Where an action or proceeding brought pursuant to this section challenges aspects of the project other than the downtown arena and those portions or specific project activities are severable from the downtown arena, the court may enter an order as to aspects of the project other than the downtown arena that includes one or more of the remedies set forth in Section 21168.9.

(i) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(j) (1) This section does not apply to the project and shall become inoperative on the date of the release of the draft environmental impact report and is repealed on January 1 of the following year, if the applicant fails to notify the lead agency prior to the release of the draft environmental impact report for public comment that the applicant is electing to proceed pursuant to this section.

(2) The lead agency shall notify the Secretary of State if the applicant fails to notify the lead agency of its election to proceed pursuant to this section.

~~SEC. 3.~~

*SEC. 8.* Section 21181 of the Public Resources Code is amended to read:

21181. This chapter does not apply to a project if the Governor does not certify a project as an environmental leadership development project eligible for streamlining provided pursuant to this chapter prior to January 1, 2016.

*SEC. 9. Section 21183 of the Public Resources Code is amended to read:*

21183. The Governor may certify a leadership project for streamlining pursuant to this chapter if all the following conditions are met:

(a) The project will result in a minimum investment of one hundred million dollars (\$100,000,000) in California upon completion of construction.

(b) The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages and provide construction jobs and permanent jobs for Californians, and helps reduce unemployment. *For purposes of this subdivision, “jobs that pay prevailing wages” means that all construction workers employed in the execution of the project will receive at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code. If the project is certified for streamlining, the project applicant shall include this requirement in all contracts for the performance of the work.*

(c) The project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation, as determined by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

(d) The project applicant has entered into a binding and enforceable agreement that all mitigation measures required pursuant to this division to certify the project under this chapter shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency. In the case of environmental mitigation measures, the applicant agrees, as an ongoing obligation, that those measures will be monitored and enforced by the lead agency for the life of the obligation.

(e) The project applicant agrees to pay the costs of the Court of Appeal in hearing and deciding any case, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council, as provided in the Rules of Court adopted by the Judicial Council pursuant to subdivision (f) of Section 21185.

(f) The project applicant agrees to pay the costs of preparing the administrative record for the project concurrent with review and consideration of the project pursuant to this division, in a form and manner specified by the lead agency for the project.

~~SEC. 4.~~

*SEC. 10.* Section 21185 of the Public Resources Code is repealed.

1     ~~SEC. 5.~~

2     ~~SEC. 11.~~ Section 21185 is added to the Public Resources Code,  
3 to read:

4     21185. On or before July 1, 2014, the Judicial Council shall  
5 adopt a rule of court to establish procedures applicable to actions  
6 or proceedings brought to attack, review, set aside, void, or annul  
7 the certification of the environmental impact report for an  
8 environmental leadership development project certified by the  
9 Governor pursuant to this chapter or the granting of any project  
10 approvals that require the actions or proceedings, including any  
11 potential appeals therefrom, be resolved, ~~to the extent feasible,~~  
12 within 270 days of certification of the record of proceedings  
13 pursuant to Section 21186.

14     ~~SEC. 6.~~

15     ~~SEC. 12.~~ Section 21186 of the Public Resources Code is  
16 amended to read:

17     21186. Notwithstanding any other law, the preparation and  
18 certification of the administrative record for a leadership project  
19 certified by the Governor shall be performed in the following  
20 manner:

21     (a) The lead agency for the project shall prepare the  
22 administrative record pursuant to this division concurrently with  
23 the administrative process.

24     (b) All documents and other materials placed in the  
25 administrative record shall be posted on, and be downloadable  
26 from, an Internet Web site maintained by the lead agency  
27 commencing with the date of the release of the draft environmental  
28 impact report.

29     (c) The lead agency shall make available to the public in a  
30 readily accessible electronic format the draft environmental impact  
31 report and all other documents submitted to, or relied on by, the  
32 lead agency in the preparation of the draft environmental impact  
33 report.

34     (d) A document prepared by the lead agency or submitted by  
35 the applicant after the date of the release of the draft environmental  
36 impact report that is a part of the record of the proceedings shall  
37 be made available to the public in a readily accessible electronic  
38 format within five business days after the document is released or  
39 received by the lead agency.



1 (e) The lead agency shall encourage written comments on the  
2 project to be submitted in a readily accessible electronic format,  
3 and shall make any comment available to the public in a readily  
4 accessible electronic format within five days of its receipt.

5 (f) Within seven business days after the receipt of any comment  
6 that is not in an electronic format, the lead agency shall convert  
7 that comment into a readily accessible electronic format and make  
8 it available to the public in that format.

9 (g) Notwithstanding paragraphs (b) to (f), inclusive, documents  
10 submitted to or relied on by the lead agency that were not prepared  
11 specifically for the project and are copyright protected are not  
12 required to be made readily accessible in an electronic format. For  
13 those copyright-protected documents, the lead agency shall make  
14 an index of these documents available in an electronic format no  
15 later than the date of the release of the draft environmental impact  
16 report, or within five business days if the document is received or  
17 relied on by the lead agency after the release of the draft  
18 environmental impact report. The index must specify the libraries  
19 or lead agency offices in which hardcopies of the copyrighted  
20 materials are available for public review.

21 (h) The lead agency shall certify the final administrative record  
22 within five days of its approval of the project.

23 (i) Any dispute arising from the administrative record shall be  
24 resolved by the superior court. Unless the superior court directs  
25 otherwise, a party disputing the content of the record shall file a  
26 motion to augment the record at the time it files its initial brief.

27 (j) The contents of the record of proceedings shall be as set forth  
28 in subdivision (e) of Section 21167.6.

29 ~~SEC. 7.~~

30 *SEC. 13.* Section 21187 of the Public Resources Code is  
31 amended to read:

32 21187. Within 10 days of the Governor certifying an  
33 environmental leadership development project pursuant to this  
34 section, the lead agency shall, at the applicant's expense, issue a  
35 public notice in no less than 12-point type stating the following:  
36

37 "THE APPLICANT HAS ELECTED TO PROCEED UNDER  
38 CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF  
39 THE PUBLIC RESOURCES CODE, WHICH PROVIDES,  
40 AMONG OTHER THINGS, THAT ANY JUDICIAL ACTION

1 CHALLENGING THE CERTIFICATION OF THE EIR OR THE  
2 APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS  
3 SUBJECT TO THE PROCEDURES SET FORTH IN SECTIONS  
4 21185 TO 21186, INCLUSIVE, OF THE PUBLIC RESOURCES  
5 CODE. A COPY OF CHAPTER 6.5 (COMMENCING WITH  
6 SECTION 21178) OF THE PUBLIC RESOURCES CODE IS  
7 INCLUDED BELOW.”

8  
9 The public notice shall be distributed by the lead agency as  
10 required for public notices issued pursuant to paragraph (3) of  
11 subdivision (b) of Section 21092.

12 ~~SEC. 8.~~

13 *SEC. 14.* Section 21189.1 of the Public Resources Code is  
14 amended to read:

15 21189.1. If, prior to January 1, 2016, a lead agency fails to  
16 approve a project certified by the Governor pursuant to this chapter,  
17 then the certification expires and is no longer valid.

18 ~~SEC. 9.~~

19 *SEC. 15.* Section 21189.3 of the Public Resources Code is  
20 amended to read:

21 21189.3. This chapter shall remain in effect until January 1,  
22 2017, and as of that date is repealed unless a later enacted statute  
23 extends or repeals that date.

24 ~~SEC. 10.~~

25 *SEC. 16.* With respect to certain provisions of this measure,  
26 the Legislature finds and declares that a special law is necessary  
27 and that a general law cannot be made applicable within the  
28 meaning of Section 16 of Article IV of the California Constitution  
29 because of the unique need for the development of an entertainment  
30 and sports center project in the City of Sacramento in an  
31 expeditious manner.

32 ~~SEC. 11.~~

33 *SEC. 17.* No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 a local agency or school district has the authority to levy service  
36 charges, fees, or assessments sufficient to pay for the program or  
37 level of service mandated by this act, within the meaning of Section  
38 17556 of the Government Code.

O